

## **2003 ALWTRT Meeting Information**

### **Summary of Potential Atlantic Large Whale Take Reduction Plan Management Options for Discussion**

#### Purpose of April ALWTRT Meeting:

NOAA Fisheries will be reconvening the Atlantic Large Whale Take Reduction Team (ALWTRT) to help re-evaluate the Atlantic Large Whale Take Reduction Plan (ALWTRP) and discuss additional modifications that may be necessary to meet the goals of the Marine Mammal Protection Act (MMPA). The purpose of the meeting will be to report on implementation of management measures put into place in 2002, discuss a list of corrections and modifications that may be needed to the existing regulations, discuss the feasibility of applying the existing gear modifications to the new fisheries being added, and present options for increasing the protection offered to large whales, especially right whales, by the ALWTRP in light of the entanglements and mortalities in 2002.

Right Whales: Additional measures implemented in 2002 for increased right whale protection include expanded lobster trap/pot and gillnet gear modifications for some ALWTRP management areas, dynamic area management (DAM), seasonal area management (SAM), and modification of fishery practices in the southeastern U.S. waters (coastal gillnet). All of these were components of the reasonable and prudent alternative (RPA) included in the Endangered Species Act (ESA) Section 7 Biological Opinions (BOs) for the Federal Fishery Management Plans (FMP) for the monkfish, spiny dogfish, and Northeast multispecies fisheries, and the Federal regulations for the American lobster fishery. In addition to the measures identified above, the RPA also contains a commitment to continued gear research and modifications, and additional measures to implement and monitor the effectiveness of the RPA.

High right whale mortalities and entanglements were documented in 2002 which included five right whale mortalities and eight entanglements. There is a great deal of concern over these high numbers due to the continuing downward trend of the population. Gear identifications have only been possible for two of the eight entanglements documented in 2002. Gear was removed from one of the entangled right whales that was traced back to a Maine state lobster trap/pot fisherman. Additionally, gear consistent with that used in the inshore lobster fishery was removed from a second right whale in 2002. No information is available to determine whether the gear was of U.S. or Canadian origin or whether the gear was from another fishery that might use gear comparable to inshore lobster gear (i.e., a crab fishery).

### Background Information:

Attached is a list of possible management options for the ALWTRT to consider in advance of the meeting. This will also be sent to you in hard copy. Please note that these management options are not intended to be presented as true management alternatives, rather these management options are intended to guide the TRT toward areas that must be addressed. These present some possible options to meet the goals of the MMPA, specifically, to address fishery interactions with large whales by reducing the potential for entanglements, minimize adverse effects when and if entanglements occur, and mitigate any unavoidable entanglements. Again, the attached options are not necessarily the ALWTRP modifications that will be implemented but rather are intended to facilitate discussions between TRT members as well as between TRT members and other stakeholders in advance of the meeting to help develop recommendations to provide to NOAA Fisheries on modifications to the ALWTRP. NOAA Fisheries is not soliciting public comment on these management options. The public should provide any comments on these management options or other options to TRT members which can then be discussed at the April ALWTRT meeting. NOAA Fisheries will be providing the 2001 Large Whale Entanglement report in advance of the meeting and the 2002 Large Whale Entanglement report at the next ALWTRT. We recognize that it is important to provide as much information on the 2002 entanglement data in advance of the meeting. Thus, NOAA Fisheries is providing a draft 2002 right whale entanglement summary and gear analysis which represents the best available information at this time.

The below is provided as background information to the attached management options for the ALWTRP:

DAM: NOAA Fisheries has received a great deal of feedback from stakeholders on the DAM program including the practicality of removing gear in the time allowed as well as the amount of time it takes NOAA Fisheries to issue a Federal Register notice following a DAM zone being triggered. Additionally, NOAA Fisheries has been asked informally to consider elimination of the DAM program. If the agency were to pursue this option, it would have to identify other risk reduction measures for both lobster trap/pot and anchored gillnet gear to offset the loss of protection provided by the DAM program.

SAM and Critical Habitat: Through a separate ESA process to address the critical habitat petition submitted by The Ocean Conservancy, NOAA Fisheries will be re-examining critical habitat in 2003. NOAA Fisheries would like to reconvene the ALWTRT in late 2003 or early 2004 to consider whether management measures for the areas currently designated as critical habitat or any new area proposed for such designation are needed. Additionally, it would be important to discuss management measures in place for Seasonal Area Management (SAM) program during this time period as well including consideration of new gear research information.

Gillnet and Lobster Trap: The management measures include possible options to increase protection to large whales. The management measures contain options for replacing the DAM program with specific universal gear modifications. It is important to note, that additional measures may also be needed to meet the mandates of the ESA. If a prohibition on floating line for groundlines is necessary, then the appropriate phase-in time needs to be determined. In addition, if such a prohibition is necessary, and fishermen must purchase new line, then the TRT may want to consider combining this recommendation with revised gear marking requirements to identify the type of gear and location component contributing to entanglements.

Other Fisheries: The ALWTRP focuses on lobster trap/pot and gillnet fisheries. Of the eight documented entangled right whales in 2002, only two could be linked to a fishery. Therefore, six of the remaining eight entanglements were from line of unknown origin. Given similarities in design, gear used in other trap/pot fisheries may pose a risk to whales and therefore should be addressed. Fisheries identified to incorporate in the TRP include, but are not limited to, the hagfish, black sea bass, shrimp, Jonah crab, red crab, and conch/whelk trap/pot fisheries. Incorporating these other fisheries is essential to ensure consistent and comprehensive risk reduction and also to improve our ability to evaluate the effectiveness of the ALWTRP.

Remove Ambiguity and Fix Holes in ALWTRP: There are areas in the regulations implementing the ALWTRP that need to be more specific in order to ensure that the intent is being achieved. Fixing these areas is essential in order to ensure that what is in place is being complied with as envisioned and intended in promulgating these regulations. Additionally, making these fixes is also critical to evaluating the effectiveness of the ALWTRP. (See Appendix 1 of the attachments.)

Gear Research: Identification of lower risk gear is an iterative process. Identification and testing of gear modifications needs to continue and expand to identify alternative ways to achieve the existing requirements as well as exploring other risk reduction techniques. For example, testing the bottom release link for trap/pot and gillnet fisheries needs to continue. Additional ideas for creating whale-degradable rope, low breaking strength line, and for gear marking alternatives needs to be solicited and supported. Research on neutrally buoyant line needs to continue in order to test longevity and application in different current and bottom conditions. NOAA Fisheries will continue to develop and implement new and progressive approaches to soliciting new ideas.

Enforcement: An enforcement plan for the ALWTRP needs to be developed which utilizes the Joint Enforcement Agreements with the states. This is essential in order to provide confidence that the requirements of the ALWTRP are being complied with. With such information, we are better able to attribute future

entanglements to the ineffectiveness of the ALWTRP regulations rather than lack of compliance with the regulations.

Outreach: It is important to continue to conduct outreach on the ALWTRP as well as solicit gear research ideas from industry and others. NOAA Fisheries believes this is an important element to reducing interactions between large whales and commercial fisheries. It is also important to conduct outreach to recreational fisheries that use commercial gear regulated by the ALWTRP.

Canada: NOAA Fisheries believes it is important to coordinate large whale management issues with Canada. Given that six of the remaining eight right whale involved line of unknown origin, it is important to coordinate efforts to protect large whales from entanglement in gear.

Poly Recycling Program / Gear Exchange Program: The ongoing NOAA Fisheries pilot program for poly recycling should continue. The importance of this and similar programs would increase if the prohibition on floating ground lines and/or end lines is included in the DAM program or otherwise expanded geographically and seasonally as part of future coastwide measures. Funding possibilities for a gear exchange program also need to be explored further.

Commitment to support ghost gear/abandoned gear recovery efforts: State, Federal and other organizations should continue to support/consider supporting ghost gear/abandoned gear recovery efforts.